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***Via Certified Mail –
Return Receipt Requested***

January 3, 2018

Mining Remedial Recovery Company
a Wholly Owned Subsidiary of
Mueller Industries, Inc.
Michael W. Baum, CEO and Head of Agency
8285 Tournament Drive, Suite 150
Memphis, TN 38125

**Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution
Control Act (Clean Water Act)**

Dear Mr. Baum and Head of Agency:

STATUTORY NOTICE

This Notice is provided on behalf of California River Watch (“River Watch”) in regard to violations of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1251 *et seq.*, that River Watch alleges are occurring as a result of discharges of contaminated effluent from inactive mining facilities in Shasta County owned and operated by Mining Remedial Recovery Co., a wholly owned subsidiary of Mueller Industries. Said inactive mines, all located in a remote, steep mountainous area west and south of Shasta Lake, are known as the Mammoth, Sutro, Keystone, Stowell, Balaklala, Shasta King and Early Bird Mines, and are identified collectively hereafter as the “Mining Facilities”.

River Watch hereby places Mining Remedial Recovery Co. and its parent company Mueller Industries (the “Discharger”) as owner and operator of the Mining Facilities on notice, that following the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the Discharger for continuing violations of an effluent standard or limitation, permit condition or requirement, or a Federal or State Order or Permit issued under CWA § 402, 33 U.S.C. § 1342, and the Regional Water Quality Control Board, Central Valley Region, Water Quality Control Plan (“Basin Plan”), as the result of alleged violations of permit conditions or limitations set forth in the National Pollutant Discharge Elimination System (“NPDES”) Permit regulating the Mining Facilities.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants are prohibited with the exception of enumerated statutory provisions. One such exception authorizes a discharger, who has been issued a permit pursuant to CWA § 402, 33 U.S.C. § 1342, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a NPDES permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a), prohibition, such that violation of a permit limit places a discharger in violation of the CWA. River Watch alleges the Discharger is violating the CWA by discharging pollutants from a point source to a water of the United States without complying with CWA §§ 301(a) and 505(a)(1)(A), 33 U.S.C. §§ 1311(a), 1365(a)(1)(A).

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency ("EPA") to a state or to a regional regulatory agency, provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* CWA § 402(b), 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the Facility's operations in the region at issue in this Notice is the Regional Water Quality Control Board, Central Valley Region ("RWQCB").

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute's permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* CWA § 505, 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce compliance by the Discharger with its NPDES permit.

NOTICE REQUIREMENTS

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto shall include sufficient information to permit the recipient to identify the following:

1. *The Specific Standard, Limitation, or Order Alleged to Have Been Violated.*

River Watch identifies the Discharger's violations of permit conditions or limitations set forth in RWQCB Order No. R5-2002-0153, NPDES Permit No. CA0081876 *Waste Discharge Requirements for Mining Remedial Recovery Company, Inc. Mammoth, Sutro, Keystone, Stowell, Balaklala, Shasta King, and Early Bird Mines Shasta County*. A violation of the NPDES permit is a violation of the CWA. The Mining Facilities are not subject to a federal storm water permit at this time, however, storm water discharges from the Mining Facilities are covered under this NPDES Permit.

2. *The Activity Alleged to Constitute a Violation.*

Most often, the NPDES Permit standards and limitations allegedly violated are self-explanatory, and an examination of the language of the NPDES Permit itself is sufficient to inform the Discharger of its failure to fully comply with the NPDES Permit requirements. This is particularly so since the Discharger is responsible for monitoring its operations to ensure compliance with all Permit conditions. River Watch sets forth the following narratives which identify with particularity the activities alleged to be violations. River Watch does so following a review of public records (*e.g.*, the Discharger's Self-Monitoring Reports ("SMRs") and the California Integrated Water Quality System ("CIWQS") reporting system) relating to the Mining Facilities. Additional records and other public documents in the Discharger's possession or otherwise available to the Discharger regarding the NPDES Permit may, upon discovery, reveal additional violations.

River Watch contends that from December 1, 2013 through December 1, 2017, the Discharger was in violation of the Act and the following identified requirements of the NPDES Permit with respect to its effluent discharges, including unreported Receiving Water Limitation violations. The sampling results showing an excess in Receiving Water Limitations are identified in the SMRs by violation number, date of alleged violation, and pollutant. However, they are not reported under the appropriate heading in the SMRs as Violations.

Reported Violations

A. Exceeding Effluent Limitations for Annual Discharge Rate Percent Removal

The Discharger has admitted discharged effluent in violation of the following Permit conditions:

- Order No. R5-2002-0153 B. Effluent Limits (Discharge 001 through 014), 1. The average annual discharge rate (lbs/day) of AMD resulting from control actions not utilizing active treatment for Discharges 001 through 005 and 010 through 014, shall not exceed one percent of the discharge rate prior to control (99 percent removal).

1 Category 2 Pollutant, Dissolved Percent Reduction limit is 99% and reported value was 94.4% at EFF-003
(Event ID: 1017098 on 8/22/16)

1 Category 2 Pollutant, Dissolved Percent Reduction limit is 99% and reported value was 96.7% at EFF-003
(Event ID: 1017099 on 8/22/16)

B. Receiving Water Limitations

Receiving water limitations are based on water quality objectives ("WQOs") contained in the Basin Plan, consistent with the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* and are a required part of the

NPDES Permit. The NPDES Permit prohibits the Discharger from causing a violation of the receiving water limitations identified in Section E. Receiving Water Limitations, of the NPDES Permit.

River Watch alleges that despite some remedial actions, the unpermitted discharge of polluted waste from the Mining Facilities is ongoing. Publicly reported sampling results indicate pollutants continue to be discharged from the Mining Facilities to waters of the United States, and that remedial measures to date have been unsuccessful in preventing continued releases of Cadmium, Copper, Zinc, pH and other wastes which exacerbate the already impaired condition of Shasta Lake, Keswick Reservoir, and their tributaries. These unreported violations are identified in the SMRs by the parameter being sampled, sample result, and date of sample.

Unreported Violations

A. Exceeding Receiving Water Limitations for Dissolved Cadmium

Cadmium is a non-essential metal with no biological function in aquatic life. Acute exposures are known to cause increased mortality in aquatic organisms. Chronic exposure leads to adverse effects on growth, reproduction, immune and endocrine systems, development and behavior in aquatic organisms.

The Discharger has discharged effluent in violation of the following Permit conditions:

- Order No. R5-2002-0153, E. Receiving Water Limitations. "The discharge shall not cause the following in Little Backbone Creek, West Squaw Creek, Shasta Lake, Spring Creek, or Keswick Reservoir", 1. Concentrations of heavy metals to exceed the following:

50 Effluent Discharges Exceeding the Permit Limit for Dissolved Cadmium 0.22 ug/L:

- 1 Exceeded to 1.6 ug/L on 5/9/17 at R-6
- 1 Exceeded to 7.9 ug/L on 2/5/16 at R-2
- 1 exceeded to 1.4 ug/L on 2/2/16 at R-6
- 1 exceeded to 1.1 ug/L on 2/1/16 at R-7
- 1 exceeded to 28.2 ug/L on 5/31/16 at R-2
- 1 exceeded to 1.3 ug/L on 5/4/16 at R-6
- 1 exceeded to 18.2 ug/L on 8/26/16 at R-2
- 1 exceeded to 2.7 ug/L on 8/26/16 at R-4
- 1 exceeded to 3.7 ug/L on 8/23/16 at R-6
- 1 exceeded to 2.6 ug/L on 8/26/16 at R-8
- 1 exceeded to 12.3 ug/L on 11/29/16 at R-2
- 1 exceeded to 1.3 ug/L on 11/21/16 at R-6
- 1 exceeded to 1.2 ug/L on 11/22/16 at R-7
- 1 exceeded to 2.5 ug/L on 11/29/16 at R-8
- 1 exceeded to 23.5 ug/L on 2/25/15 at R-2
- 1 exceeded to 1.4 ug/L on 2/24/15 at R-6

1 exceeded to 1.6 ug/L on 2/25/15 at R-8
1 exceeded to 14.3 ug/L on 5/15/15 at R-2
1 exceeded to 1.6 ug/L on 5/15/15 at R-6
1 exceeded to 1.6 ug/L on 5/15/15 at R-8
1 exceeded to 30.4 ug/L on 8/28/15 at R-2
1 exceeded to 1.6 ug/L on 8/25/15 at R-4
1 exceeded to 3.3 ug/L on 8/26/15 at R-6
1 exceeded to 8.6 ug/L on 8/28/15 at R-8
1 exceeded to 104 ug/L on 11/11/15 at R-2
1 exceeded to 1.1 ug/L on 11/9/15 at R-4
1 exceeded to 2.5 ug/L on 11/10/15 at R-6
1 exceeded to 3 ug/L on 11/11/15 at R-8
1 exceeded to 58.6 ug/L on 2/10/14 at R-2
1 exceeded to 1 ug/L on 2/10/14 at R-6
1 exceeded to 3.1 ug/L on 2/10/14 at R-7
1 exceeded to 4.5 ug/L on 2/10/14 at R-8
1 exceeded to 1.8 ug/L on 5/30/14 at R-1
1 exceeded to 17.5 ug/L on 5/30/14 at R-2
1 exceeded to 2.2 ug/L on 5/30/14 at R-6
1 exceeded to 2.5 ug/L on 5/30/14 at R-7
1 exceeded to 2.7 ug/L on 5/30/14 at R-8
1 exceeded to 3.5 ug/L on 8/27/14 at R-2
1 exceeded to 1.8 ug/L on 8/25/14 at R-4
1 exceeded to 2.2 ug/L on 8/27/14 at R-6
1 exceeded to 1 ug/L on 8/27/14 at R-7
1 exceeded to 1.9 ug/L on 8/27/14 at R-8
1 exceeded to 6.2 ug/L on 11/18/14 at R-2
1 exceeded to 2 ug/L on 11/6/14 at R-6
1 exceeded to 3.9 ug/L on 11/17/14 at R-7
1 exceeded to 5.6 ug/L on 11/18/14 at R-8
1 exceeded to 28.9 ug/L on 11/26/13 at R-2
1 exceeded to 1.9 ug/L on 11/25/13 at R-6
1 exceeded to 2.9 ug/L on 11/25/13 at R-7
1 exceeded to 4.1 ug/L on 11/26/13 at R-8

B. Exceeding Receiving Water Limitations for Dissolved Copper

Copper is one of the most toxic metals to aquatic organisms and ecosystems. Harmful even at low concentrations, copper is detrimental to fish, invertebrates and amphibians. Effects on fish include diminished liver and immune system functioning, and interference with salt regulation which impairs cardiovascular and nervous systems. In birds, exposure to copper can result in reduced growth rates, lowered egg production, and developmental abnormalities. Impacts to human health from copper include gastric disturbances and, in higher doses, damage to the liver and kidneys.

The Discharger has discharged effluent in violation of the following Permit conditions:

- Order No. R5-2002-0153, E. Receiving Water Limitations. “The discharge shall not cause the following in Little Backbone Creek, West Squaw Creek, Shasta Lake, Spring Creek, or Keswick Reservoir”, 1. Concentrations of heavy metals to exceed the following:

69 Effluent Discharges Exceeding the Permit Limit for Dissolved Copper 4.1ug/L:

1 Exceeded to 13.5ug/L on 2/14/17 at R-4
1 Exceeded to 74 ug/L on 2/21/17 at R-6
1 Exceeded to 15.7 ug/L on 5/12/17 at R-4
1 Exceeded to 74.4 ug/L on 5/9/17 at R-6
1 Exceeded to 552 ug/L on 2/5/16 at R-2
1 exceeded to 20 ug/L on 2/8/16 at R-4
1 exceeded to 81.4 ug/L on 2/2/16 at R-6
1 exceeded to 29.4 ug/L on 2/1/16 at R-7
1 exceeded to 5.3 ug/L on 2/5/16 at R-8
1 exceeded to 2720 ug/L on 5/31/16 at R-2
1 exceeded to 20 ug/L on 5/5/16 at R-4
1 exceeded to 40.7 ug/L on 5/4/16 at R-6
1 exceeded to 35.8/ ug/L on 5/4/16 at R-7
1 exceeded to 1190 ug/L on 8/26/16 at R-2
1 exceeded to 189 ug/L on 8/26/16 at R-4
1 exceeded to 160 ug/L on 8/23/16 at R-6
1 exceeded to 182 ug/L on 8/26/16 at R-8
1 exceeded to 1530 ug/L on 11/29/16 at R-2
1 exceeded to 32.6 ug/L on 11/08/16 at R-4
1 exceeded to 66.7 ug/L on 11/21/16 at R-6
1 exceeded to 28 ug/L on 11/22/16 at R-7
1 exceeded to 32.9 ug/L on 11/29/16 at R-8
1 exceeded to 2330 ug/L on 2/25/15 at R-2
1 exceeded to 17.9 ug/L on 2/23/15 at R-4
1 exceeded to 70.1 ug/L on 2/24/15 at R-6
1 exceeded to 25.4 ug/L on 2/24/15 at R-7
1 exceeded to 10.3 ug/L on 2/25/15 at R-8
1 exceeded to 1960 ug/L on 5/15/15 at R-2
1 exceeded to 25.4 ug/L on 5/13/15 at R-4
1 exceeded to 27.6 ug/L on 5/15/15 at R-6
1 exceeded to 14.7 ug/L on 5/14/15 at R-7
1 exceeded to 12.9 ug/L on 5/15/15 at R-8
1 exceeded to 35.2 ug/L on 8/27/15 at R-1
1 exceeded to 4550 ug/L on 8/28/15 at R-2
1 exceeded to 79.4 ug/L on 8/25/15 at R-4
1 exceeded to 242 ug/L on 8/26/15 at R-6

1 exceeded to 1300 ug/L on 8/28/15 at R-8
1 exceeded to 14900 ug/L on 11/11/15 at R-2
1 exceeded to 45 ug/L on 11/9/15 at R-4
1 exceeded to 58.9 ug/L on 11/10/15 at R-6
1 exceeded to 21.3 ug/L on 11/11/15 at R-8
1 exceeded to 2200 ug/L on 2/10/14 at R-2
1 exceeded to 29.2 ug/L on 2/12/14 at R-4
1 exceeded to 4.3 ug/L on 2/11/14 at R-5
1 exceeded to 83.3 ug/L on 2/10/14 at R-6
1 exceeded to 68.8 ug/L on 2/10/14 at R-7
1 exceeded to 33.5 ug/L on 2/10/14 at R-8
1 exceeded to 20.8 ug/L on 5/30/14 at R-1
1 exceeded to 993 ug/L on 5/30/14 at R-2
1 exceeded to 24 ug/L on 5/29/14 at R-4
1 exceeded to 62 ug/L on 5/30/14 at R-6
1 exceeded to 32.9 ug/L on 5/30/14 at R-7
1 exceeded to 23.3 ug/L on 5/30/14 at R-8
1 exceeded to 242 ug/L on 8/27/14 at R-2
1 exceeded to 74.3 ug/L on 8/25/14 at R-4
1 exceeded to 4.2 ug/L on 8/26/14 at R-5
1 exceeded to 74.9 ug/L on 8/27/14 at R-6
1 exceeded to 101 ug/L on 8/27/14 at R-7
1 exceeded to 82.8 ug/L on 8/27/14 at R-8
1 exceeded to 1920 ug/L on 11/18/14 at R-2
1 exceeded to 36.3 ug/L on 11/6/14 at R-4
1 exceeded to 54.4 ug/L on 11/6/14 at R-6
1 exceeded to 43.4 ug/L on 11/17/14 at R-7
1 exceeded to 26.3 ug/L on 11/18/14 at R-8
1 exceeded to 2620 ug/L on 11/26/13 at R-2
1 exceeded to 39 ug/L on 11/22/13 at R-4
1 exceeded to 61 ug/L on 11/25/13 at R-6
1 exceeded to 35 ug/L on 11/25/13 at R-7
1 exceeded to 19 ug/L on 11/26/13 at R-8

C. Exceeding Receiving Water Limitations for Dissolved Zinc

Zinc has adverse effects on many types of aquatic plants and animals, affecting growth, survival, and reproduction. Macroinvertebrates are particularly vulnerable to zinc toxicity, as are fish.

The Discharger has discharged effluent in violation of the following permit conditions:

- Order No. R5-2002-0153, E. Receiving Water Limitations. “The discharge shall not cause the following in Little Backbone Creek, West Squaw Creek, Shasta Lake, Spring Creek, or Keswick Reservoir”, 1. Concentrations of heavy metals to exceed the

following:

70 Effluent Discharges Exceeding the Permit Limit for Dissolved Zinc 16.0ug/L:

1 Exceeded to 27 ug/L on 2/14/17 at R-4
1 Exceeded to 90 ug/L on 2/21/17 at R-6
1 Exceeded to 66 ug/L on 5/12/17 at R-4
1 Exceeded to 242 ug/L 5/9/17 at R-6
1 Exceeded to 242 ug/L 5/9/17 at R-6
1 Exceeded to 1280 ug/L 2/5/16 at R-2
1 exceeded to 48 ug/L on 2/8/16 at R-4
1 exceeded to 263 ug/L on 2/2/16 at R-6
1 exceeded to 25 ug/L on 2/1/16 at R-7
1 exceeded to 106 ug/L on 2/5/16 at R-8
1 exceeded to 4560 ug/L on 5/31/16 at R-2
1 exceeded to 80 ug/L on 5/5/16 at R-4
1 exceeded to 225 ug/L on 5/4/16 at R-6
1 exceeded to 163 ug/L on 5/4/16 at R-7
1 exceeded to 107 ug/L on 5/31/16 at R-8
1 exceeded to 2620 ug/L on 8/26/16 at R-2
1 exceeded to 448 ug/L on 8/26/16 at R-4
1 exceeded to 661 ug/L on 8/23/16 at R-6
1 exceeded to 430 ug/L on 8/26/16 at R-8
1 exceeded to 1710 ug/L on 11/29/16 at R-2
1 exceeded to 74 ug/L on 11/08/16 at R-4
1 exceeded to 225 ug/L on 11/21/16 at R-6
1 exceeded to 247 ug/L on 11/22/16 at R-7
1 exceeded to 411 ug/L on 11/29/16 at R-8
1 exceeded to 3730 ug/L on 2/25/15 at R-2
1 exceeded to 35 ug/L on 2/23/15 at R-4
1 exceeded to 264 ug/L on 2/24/15 at R-6
1 exceeded to 167 ug/L on 2/24/15 at R-7
1 exceeded to 316 ug/L on 2/25/15 at R-8
1 exceeded to 2720 ug/L on 5/15/15 at R-2
1 exceeded to 89 ug/L on 5/13/15 at R-4
1 exceeded to 259 ug/L on 5/15/15 at R-6
1 exceeded to 219 ug/L on 5/14/15 at R-7
1 exceeded to 280 ug/L on 5/15/15 at R-8
1 exceeded to 124 ug/L on 8/27/15 at R-1
1 exceeded to 5150 ug/L on 8/28/15 at R-2
1 exceeded to 272 ug/L on 8/25/15 at R-4
1 exceeded to 633 ug/L on 8/26/15 at R-6
1 exceeded to 1340 ug/L on 8/28/15 at R-8
1 exceeded to 22 ug/L on 11/6/15 at R-1
1 exceeded to 20700 ug/L on 11/11/15 at R-2

1 exceeded to 184 ug/L on 11/9/15 at R-4
1 exceeded to 487 ug/L on 11/10/15 at R-6
1 exceeded to 620 ug/L on 11/11/15 at R-8
1 exceeded to 13000 ug/L on 2/10/14 at R-2
1 exceeded to 87 ug/L on 2/12/14 at R-4
1 exceeded to 183 ug/L on 2/10/14 at R-6
1 exceeded to 687 ug/L on 2/10/14 at R-7
1 exceeded to 780 ug/L on 2/10/14 at R-8
1 exceeded to 312 ug/L on 5/30/14 at R-1
1 exceeded to 3670 ug/L on 5/30/14 at R-2
1 exceeded to 110 ug/L on 5/29/14 at R-4
1 exceeded to 389 ug/L on 5/30/14 at R-6
1 exceeded to 568 ug/L on 5/30/14 at R-7
1 exceeded to 594 ug/L on 5/30/14 at R-8
1 exceeded to 524 ug/L on 8/27/14 at R-2
1 exceeded to 288 ug/L on 8/25/14 at R-4
1 exceeded to 378 ug/L on 8/27/14 at R-6
1 exceeded to 225 ug/L on 8/27/14 at R-7
1 exceeded to 416 ug/L on 8/27/14 at R-8
1 exceeded to 883 ug/L on 11/18/14 at R-2
1 exceeded to 125 ug/L on 11/6/14 at R-4
1 exceeded to 278 ug/L on 11/6/14 at R-6
1 exceeded to 965 ug/L on 11/17/14 at R-7
1 exceeded to 930 ug/L on 11/18/14 at R-8
1 exceeded to 5230 ug/L on 11/26/13 at R-2
1 exceeded to 152 ug/L on 11/22/13 at R-4
1 exceeded to 321 ug/L on 11/25/13 at R-6
1 exceeded to 694 ug/L on 11/25/13 at R-7
1 exceeded to 725 ug/L on 11/26/13 at R-8

D. Exceeding Receiving Water Limitations for pH

The pH of a stream affects organisms living in the water. Excessively high and low pH levels can be detrimental for the use of water. A changing pH in a stream can be an indicator of increasing pollution or some other environmental factor. A pH level of five is ten times more acidic than water, low pH in water will corrode or dissolve metals and other substances.

The Discharger has discharged effluent in violation of the following Permit conditions:

- Order No. R5-2002-0153, E. Receiving Water Limitations. "The discharge shall not cause the following in Little Backbone Creek, West Squaw Creek, Shasta Lake, Spring Creek, or Keswick Reservoir", 5. The normal ambient pH to fall below 6.5, exceed 8.5:

40 Effluent Discharges Exceeding the Permit Limit for pH below 6.5, exceed 8.5:

1 exceeded the below limit to 6.48 on 2/21/17 at R-6
1 exceeded the maximum allowed to 8.7 on 5/9/17 at R-5
1 exceeded the below minimum to 5.06 on 2/5/16 at R-2
1 exceeded the below limit to 6.41 on 2/8/16 at R-4
1 exceeded the below limit to 5.78 on 2/2/16 at R-6
1 exceeded the below limit to 6.33 on 2/5/16 at R-8
1 exceeded the below limit to 4.37 on 5/31/16 at R-2
1 exceeded the below limit to 4.11 on 8/26/16 at R-2
1 exceeded the below limit to 6.07 on 8/26/16 at R-4
1 exceeded the below limit to 5.94 on 8/25/16 at R-5
1 exceeded the below limit to 5.99 on 8/23/16 at R-6
1 exceeded the below limit to 6.32 on 11/22/16 at R-1
1 exceeded the below limit to 5.01 on 11/29/16 at R-2
1 exceeded the below limit to 6.23 on 11/8/16 at R-3
1 exceeded the below limit to 5.88 on 11/8/16 at R-4
1 exceeded the below limit to 5.76 on 11/21/16 at R-6
1 exceeded the below limit to 4.62 on 2/25/15 at R-2
1 exceeded the below limit to 6.45 on 2/23/15 at R-3
1 exceeded the below limit to 6.38 on 2/23/15 at R-4
1 exceeded the below limit to 6.47 on 2/24/15 at R-6
1 exceeded the below limit to 6.1 on 2/25/15 at R-8
1 exceeded the below limit to 3.88 on 5/15/15 at R-2
1 exceeded the below limit to 5.58 on 8/27/15 at R-1
1 exceeded the below limit to 4.8 on 8/28/15 at R-2
1 exceeded the below limit to 6.08 on 8/26/15 at R-6
1 exceeded the below limit to 5.8 on 8/28/15 at R-8
1 exceeded the below limit to 4.82 on 11/11/15 at R-2
1 exceeded the below limit to 6.48 on 11/9/15 at R-4
1 exceeded the below limit to 5.99 on 11/11/15 at R-8
1 exceeded the below limit to 4.29 on 2/10/14 at R-2
1 exceeded the below limit to 6.26 on 2/11/14 at R-5
1 exceeded the below limit to 6.35 on 2/10/14 at R-7
1 exceeded the below limit to 6.13 on 2/10/14 at R-8
1 exceeded the below limit to 5.02 on 5/30/14 at R-2
1 exceeded the below limit to 5 on 8/27/14 at R-2
1 exceeded the below limit to 5.1 on 11/18/14 at R-2
1 exceeded the below unit to 4.82 on 11/26/13 at R-2
1 exceeded the below unit to 6.38 on 11/25/13 at R-5
1 exceeded the below unit to 6.42 on 11/25/13 at R-6
1 exceeded the below unit to 6.49 on 11/25/13 at R-7

3. *The Person or Persons Responsible for the Alleged Violations.*

The entity responsible for the alleged violations identified in this Notice is Mining Remedial Recovery Company, a wholly owned subsidiary of Mueller Industries, as owner and operator of the Mining Facilities, as well as those of its employees responsible for compliance with the NPDES Permit and the CWA.

4. *The Location of the Alleged Violation.*

The Discharger owns the Mammoth, Sutro, Keystone, Stowell, Balaklala, Shasta King, and Early bird Mines in Shasta County. The inactive copper mines are in the West Shasta Copper Mining District. Mining activities were initiated in the 1880's through the early 1890's. Many of the mines began as small gold mines and later became major producers of copper from the sulfide ore bodies. Mining generally ceased after 1927 with only limited sporadic exploratory work occurring since. The extraction of large quantities of ore from the mines resulted in extensive development of underground workings. These underground workings and tunnels are the principal source of pollutants, known as acid mine drainage (AMD) discharging from the mines.

AMD is formed when rainwater infiltrates into the mine workings through soil and rock. This water contacts sulfide deposits open to air in the old tunnel complexes of the mines. The ensuing chemical reaction significantly lowers the pH of the water. As this water moves out of the mine tunnels, its acidic nature leaches metals from the rocks. The discharge, commonly from mine portals, is toxic to fish and other aquatic organisms. These discharges, emitting from over 14 separate portals, as well as tailings piles, fractures and fissures, and other non-point sources (natural and man-induced), have rendered reaches of Little Backbone Creek, West Squaw Creek and Spring Creek uninhabitable to fish and other acid sensitive aquatic life.

With the exception of the Stowell Mine, all the mines drain into tributaries of Shasta Lake. The Mammoth and Sutro Mines drain into Little Backbone Creek. The Friday-Louden portal of the Mammoth Mine drains into Shoemaker Gulch. The Keystone, Balaklala, Shasta King, and Early Bird Mines drain into West Squaw Creek. The Stowell Mine drains into Spring Creek which is tributary to Keswick Reservoir downstream of Shasta Dam.

Shasta Lake is one of the largest lakes in the western United States with 365 miles of shoreline when at full level. The elevation of the water surface is 1067 feet above sea level when Shasta Lake is full. Little Backbone Creek and West Squaw Creek flow into Shasta Lake. Spring Creek flows into Keswick Reservoir. Keswick Dam and Keswick Reservoir are located on the Sacramento River, downstream and south of Shasta Dam. Fish species present in Shasta Lake, Keswick Reservoir, and downstream waters are consistent with cold and warm water fisheries. There is a potential for trout migration necessitating a cold-water designation. Trout have been found upstream of the mine discharges in West Squaw Creek and Spring Creek but not downstream in any of the receiving waters. Trout and other fish species both warm and cold are present in Shasta Lake, Keswick Reservoir, the Sacramento River and their tributaries. Further, studies have shown a significant reduction in the number of fish kills, dropping from several thousand trout in the 1970's to a few (less than five) noted in the past several years.

5. *The Date or Dates of Violation or a Reasonable Range of Dates During Which the Alleged Activity Occurred.*

The range of dates covered by this Notice is from December 1, 2013 to December 1, 2017. River Watch may from time to time update this Notice to include all violations of the CWA by the Discharger which occur during and after this period. Some violations are continuous, and therefore each day constitutes a violation.

6. *The Full Name, Address, and Telephone Number of the Person Giving Notice.*

The entity giving notice is California River Watch, referred to throughout this notice as "River Watch," an Internal Revenue Service Code § 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California. Its headquarters and main office are located in Sebastopol. Its mailing address is 290 South Main Street, # 817, Sebastopol, CA 95472. River Watch is dedicated to protecting, enhancing, and helping to restore surface and ground waters of California including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed to counsel identified below:

Jack Silver, Esq.	Jerry Bernhaut, Esq.
Law Office of Jack Silver	Law Office of Jerry Bernhaut
708 Gravenstein Highway North, #407	23 Woodgreen Street
Sebastopol, CA 95472-2808	Santa Rosa, CA 95409
Tel. 707-528-8175	Tel. 707-595-1852
Email: jsilverenvironmental@gmail.com	Email: j3bernhaut@gmail.com

RECOMMENDED REMEDIAL MEASURES

River Watch looks forward to meeting with the Discharger to tailor remedial measures to the specific operations of the Mining Facilities.

CONCLUSION

The violations set forth in this Notice effect the health and enjoyment of members of River Watch who reside and/or recreate in the affected communities identified herein. Members of River Watch may use the affected watersheds for recreation, sports, fishing, swimming, hiking, photography, nature walks and the like. Their health, use, and enjoyment of this natural resource are specifically impaired by the Discharger's alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any “person”, including a governmental instrumentality or agency, for violations of NPDES permit requirements and for unpermitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), 33 U.S.C. § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500.00 per day/per violation for all violations pursuant to CWA §§ 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the “citizen suit” provisions of the CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day “notice period”** to promote resolution of disputes. River Watch strongly encourages the Discharger to contact counsel for River Watch within **20 days** after receipt of this Notice to initiate a discussion regarding the allegations detailed in this Notice. In the absence of productive discussions to resolve this dispute, or receipt of additional information demonstrating the Discharger is in compliance with the strict terms and conditions of the NPDES Permit and the CWA, River Watch will have cause to file a citizen’s suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,


Jack Silver

JS:lhbm

Service List

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
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✓ Alexis Strauss, Acting Regional Administrator
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